

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM CRAIG MACDONALD,

Plaintiff,

v.

LA SALLE COUNTY SHERIFF,
TOU REST MOTEL, *et al.*,

Defendants.

Case No. 1:06-cv-670

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Hon. Richard Alan Enslen

JUDGMENT

Plaintiff William Craig MacDonald has filed related Complaints in above cases premised on supposed discrimination and/or civil rights violations in the State of Illinois by the La Salle County Sheriff, the Tou Rest Motel and others in connection with a misdemeanor prosecution of Plaintiff for disorderly conduct. Plaintiff was given an opportunity to amend his Complaints and show cause why the Complaints should not be dismissed for lack of jurisdiction (*see Apple v. Glenn*, 183 F.3d 477, 478 (6th Cir. 1999)) and failure to state a claim (*see* 28 U.S.C. § 1915(e)(2)). He has responded to the Orders to Show Cause by filing Responses and Supplements to his Complaints.

The initial Complaints failed to identify acts creating liability or supporting legal remedy and requested, without supporting legal authority, that the Illinois disorderly conduct prosecution be removed to this District. The additional papers filed by Plaintiff suggest that he was arrested by police, while resting from travel in a church parking lot close to the Tou Rest Motel, after he refused instructions from the church's minister to leave the premises in the presence of police. (*See* Supplements, 4.) He also complains about the failure of police to obtain a warrant in connection with his arrest, his apprehension from or nearby his motor vehicle, the search of his motor vehicle

compartment incident to his arrest, and related actions. (*See* Resps., 1.) *But see Thornton v. United States*, 541 U.S. 615, 621 (2004) (authorizing search of vehicle compartment incident to arrest as consistent with Fourth Amendment); *Atwater v. City of Lago Vista*, 532 U.S. 318, 345 (2001) (authorizing arrest for misdemeanors without an arrest warrant as consistent with the Fourth Amendment when suspected violations are committed in the presence of police). None of the papers suggest a viable cause of action on any recognized legal theory.

THEREFORE, IT IS HEREBY ORDERED that these actions are **DISMISSED**.

IT IS FURTHER ORDERED, pursuant to 28 U.S.C. § 1915(a)(3), that the Court certifies that an appeal of the Judgment would not be taken in good faith for the reasons given herein and in the Orders to Show Cause issued in these cases.

DATED in Kalamazoo, MI:
October 18, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE